

ESTTA Tracking number: **ESTTA492731**

Filing date: **09/05/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91204599
Party	Plaintiff Gilda A. Solis and Stillman de Mexico S.A. de C.V.
Correspondence Address	EDOUARD V ROSA LAW OFFICES OF EDOUARD V ROSA 28047 DOROTHY DRIVE, SUITE 305 AGOURA HILLS, CA 91301 UNITED STATES evrosalaw@att.net
Submission	Other Motions/Papers
Filer's Name	Edouard V. Rosa
Filer's e-mail	evrosalaw@att.net
Signature	/Edouard V. Rosa/
Date	09/05/2012
Attachments	Petition to Disqualify Applicant's attorney 90412.pdf (4 pages)(17397 bytes) Exhibit 1 of Petition to Disqualify Attorney of Record.pdf (3 pages)(574396 bytes)

)	
Gilda A. Solis, an individual and)	
Stillman de Mexico S.A. de C.V.)	
)	
Joint Opposers,)	
)	Opposition No. 91204599
v.)	
)	
Shamim Akhter, partnership DBA Shamim Akhter)	
)	
Applicant.)	
)	
)	

Joint Opposers Gilda A. Solis and Stillman de Mexico S.A. de C.V. (hereinafter referred to as “Joint Opposers”) hereby petition the USPTO Director pursuant to 37 CFR § 11.19(c) and TBMP §§ 115.03 and 513.02 to disqualify Applicant’s Attorney of Record Harold L. Novick (hereinafter referred to as “Novick”) and all members of the law firm of H & A Intellectual Property Law PLLC including but not limited to Novick, Brian E. Banner and Jared D. Barsky (hereinafter referred to as “H & A Law Firm”) in the present Opposition on the following grounds.

1. On information and belief, Novick is the President and Secretary of The Stillman Company, Inc. (hereinafter referred to as “The Stillman Company”), a Virginia corporation and owner of record of U.S. Trademark Application Serial No. 85319659 and Serial No. 85319663 both filed on May 12, 2011, for the marks STILLMAN’S and Design respectively (hereinafter collectively referred to as “STILLMAN’S

Applications”). A true and correct copy of the 2012 Annual Report filed on May 25, 2012, by The Stillman Company with the Commonwealth of Virginia State Corporation Commission identifying Novick as President and Secretary is attached hereto as Exhibit 1.

2. On information and belief, Novick, Brian E. Banner and Jared D. Barsky of the H & A Law Firm are the attorneys of record of the STILLMAN’S Applications.

3. On information and belief, The Stillman Company is a related company of Applicant, Shamim Akhter, partnership DBA Shamim Ackhter (hereinafter referred to as “Applicant”).

4. On information and belief, S.M. Akhtar, S.M. Shahid and S.M. Zahid, named partners of Applicant are also Directors of The Stillman Company. See Exhibit 1 attached hereto.

5. On or about May 4, 2012, the STILLMAN’S Applications were suspended based upon prior filed Application Serial No. 85092438 for STILLMAN’S owned by Applicant and Application Serial No. 85150670 for STILLMAN’S owned by Joint Opposer Gilda A. Solis pursuant to 15 U.S.C. § 1052(d); 37 CFR § 2.83; TMEP §§ 1208 *et seq.*

6. On information and belief, a conflict of interest exists between Novick, Applicant and The Stillman Company within the meaning of 37 CFR § 10.66 and TBMP § 513.02 based on Novick’s dual capacity as the Attorney of Record of both Applicant and The Stillman Company and as an Officer of The Stillman Company.

7. On information and belief, a conflict of interest exists between the H & A Law Firm, Applicant and The Stillman Company within the meaning of 37 CFR § 10.66 and TBMP §513.02 based upon Novick being a member of the H & A Law Firm.

8. On information and belief, Novick as the President and Secretary of The Stillman Company and the Attorney of Record of Applicant will be named by Joint Opposers as a witness in the present Opposition proceedings to testify on behalf of Novick's client the Applicant and as such should be disqualified within the meaning of 37 CFR § 10.66 and TBMP § 513.02.

9. On information and belief, the conflict of interest which exists between Novick, the H & A Law Firm, Applicant and The Stillman Company will interfere and prevent the exchange of trade secret/commercially sensitive material of Joint Opposers with Applicant's present Attorney of Record Novick and other members of the H & A Law Firm all in contravention of TBMP §§ 412 and 412.01.

WHEREFORE, Joint Opposers respectfully request that their Petition to Disqualify Novick and the H & A Law Firm be granted.

Respectfully submitted,

Dated: September 5, 2012

/Edouard V. Rosa/
Edouard V. Rosa
LAW OFFICES OF EDOUARD V. ROSA
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Agoura Hills, CA 91301
Tel: 818-735-0590
Fax: 818-735-0594
evrosalaw@att.net

Attorney for Joint Opposers

CERTIFICATE OF TRANSMISSION AND SERVICE

I hereby certify that the foregoing PETITION TO DISQUALIFY APPLICANT'S ATTORNEY OF RECORD AND THE H & A LAW FIRM is being electronically filed with the United States Patent and Trademark Office on September 5, 2012, and a true and complete copy of the foregoing PETITION TO DISQUALIFY APPLICANT'S ATTORNEY OF RECORD AND THE H & A LAW FIRM has been served on Harold L. Novick, Attorney of record for Applicant by mailing said copy on September 5, 2012, via First Class Mail, postage prepaid to:

Harold L. Novick, Esq.
H&A INTELLECTUAL PROPERTY LAW PLLC
2847 Duke Street
Alexandria, VA 22314

Date: September 5, 2012

/Edouard V. Rosa/
Edouard V. Rosa
Attorney for Joint Opposers
Gilda A. Solis and
Stillman de Mexico S.A. de C.V.

EXHIBIT 1

2012 ANNUAL REPORT
COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

21209.663

212096631
05/25/2012

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File online at
sccefile.scc.virginia.gov



212096631

1. CORPORATION NAME:
Stillman Company Inc., The

DUE DATE: 05/31/12

2. VA REGISTERED AGENT NAME AND OFFICE ADDRESS: DIR.
HAROLD L NOVICK

SCC ID NO.: 0737145-3

5613 TOWER HILL CIR

5. STOCK INFORMATION

CLASS	AUTHORIZED
COMMON	500

ALEXANDRIA, VA 22315

3. CITY OR COUNTY OF VA REGISTERED OFFICE:
129-FAIRFAX COUNTY

4. STATE OR COUNTRY OF INCORPORATION:
VA-VIRGINIA

DO NOT ATTEMPT TO ALTER THE INFORMATION ABOVE. Carefully read the enclosed instructions. Type or print in black only.

6. PRINCIPAL OFFICE ADDRESS:

<input type="checkbox"/> Mark this box if address shown below is correct	If the block to the left is blank or contains incorrect data please add or correct the address below.
ADDRESS: 5613 Tower Hill Circle	ADDRESS: 5613 Tower Hill Circle
CITY/ST/ZIP: Alexandria, VA 22315	CITY/ST/ZIP: Alexandria, VA 22315

7. DIRECTORS AND PRINCIPAL OFFICERS:

All directors and principal officers must be listed.
An individual may be designated as both a director and an officer.

Mark appropriate box unless area below is blank: <input type="checkbox"/> Information is correct <input type="checkbox"/> Information is incorrect <input type="checkbox"/> Delete information	If the block to the left is blank or contains incorrect data, please mark appropriate box and enter information below: <input checked="" type="checkbox"/> Correction <input type="checkbox"/> Addition <input type="checkbox"/> Replacement
OFFICER <input type="checkbox"/> DIRECTOR <input checked="" type="checkbox"/> NAME: HAROLD L. NOVICK TITLE: DIRECTOR ADDRESS: 6101 EDSALL RD. APT. 1405 CITY/ST/ZIP: ALEXANDRIA, VA 22304	OFFICER <input checked="" type="checkbox"/> DIRECTOR <input type="checkbox"/> NAME: Harold L. Novick TITLE: President and Secretary ADDRESS: 6101 Edsall Rd, Apt 1405 CITY/ST/ZIP: Alexandria, VA 22304

I affirm that the information contained in this report is accurate and complete as of the date below.

SIGNATURE OF DIRECTOR/OFFICER
LISTED IN THIS REPORT

HAROLD L. NOVICK, President
PRINTED NAME AND CORPORATE TITLE

5/24/12
DATE

It is a Class 1 misdemeanor for any person to sign a document that is false in any material respect with intent that the document be delivered to the Commission for filing.

CORPORATION NAME:
Stillman Company Inc., The

DUE DATE: 05/31/12
SCC ID NO.: 0737145-3

All directors and principal officers must be listed.
An individual may be designated as both a director and an officer.

7. DIRECTORS AND PRINCIPAL OFFICERS (continued):

Mark appropriate box unless area below is blank: <input type="checkbox"/> Information is correct <input type="checkbox"/> Information is incorrect <input type="checkbox"/> Delete information	If the block to the left is blank or contains incorrect data, please mark appropriate box and enter information below: <input type="checkbox"/> Correction <input checked="" type="checkbox"/> Addition <input type="checkbox"/> Replacement
OFFICER <input type="checkbox"/> DIRECTOR <input type="checkbox"/> NAME: TITLE: ADDRESS: CITY/ST/ZIP:	OFFICER <input type="checkbox"/> DIRECTOR <input checked="" type="checkbox"/> NAME: Sheikh Muhammad SHAHD TITLE: Director ADDRESS: 143 East Street No. 18, Phase 1, Defence Housing Authority CITY/ST/ZIP: Karachi, Pakistan
Mark appropriate box unless area below is blank: <input type="checkbox"/> Information is correct <input type="checkbox"/> Information is incorrect <input type="checkbox"/> Delete information	If the block to the left is blank or contains incorrect data, please mark appropriate box and enter information below: <input type="checkbox"/> Correction <input checked="" type="checkbox"/> Addition <input type="checkbox"/> Replacement
OFFICER <input type="checkbox"/> DIRECTOR <input type="checkbox"/> NAME: TITLE: ADDRESS: CITY/ST/ZIP:	OFFICER <input type="checkbox"/> DIRECTOR <input checked="" type="checkbox"/> NAME: Sheikh Mohammad AKHTAR TITLE: Director ADDRESS: 143 East St. No. 18, Phase 1, DHA CITY/ST/ZIP: Karachi, Pakistan
Mark appropriate box unless area below is blank: <input type="checkbox"/> Information is correct <input type="checkbox"/> Information is incorrect <input type="checkbox"/> Delete information	If the block to the left is blank or contains incorrect data, please mark appropriate box and enter information below: <input type="checkbox"/> Correction <input checked="" type="checkbox"/> Addition <input type="checkbox"/> Replacement
OFFICER <input type="checkbox"/> DIRECTOR <input type="checkbox"/> NAME: TITLE: ADDRESS: CITY/ST/ZIP:	OFFICER <input type="checkbox"/> DIRECTOR <input checked="" type="checkbox"/> NAME: Sheikh Mohammed ZAHID TITLE: Director ADDRESS: 143 East St. No. 18, Phase 1, DHA CITY/ST/ZIP: Karachi, Pakistan
Mark appropriate box unless area below is blank: <input type="checkbox"/> Information is correct <input type="checkbox"/> Information is incorrect <input type="checkbox"/> Delete information	If the block to the left is blank or contains incorrect data, please mark appropriate box and enter information below: <input type="checkbox"/> Correction <input checked="" type="checkbox"/> Addition <input type="checkbox"/> Replacement
OFFICER <input type="checkbox"/> DIRECTOR <input type="checkbox"/> NAME: TITLE: ADDRESS: CITY/ST/ZIP:	OFFICER <input checked="" type="checkbox"/> DIRECTOR <input type="checkbox"/> NAME: Nasir Masud TITLE: Treasurer ADDRESS: 5613 Tower Hill Circle CITY/ST/ZIP: Alexandria, VA 22315